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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 KEVIN LEE ESTES,

10 Plaintiff,

11 v.

12 WASHINGTON STATE DEPARTMENT OF
13 CORRECTIONS, *et al.*,

14 Defendants.
15

No. 08-5749 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DISMISSING
ACTION WITHOUT PREJUDICE

16 The Magistrate Judge recommends that this prisoner civil rights action be dismissed for
17 failure to exhaust administrative remedies. As detailed by the Magistrate Judge, the record
18 shows definitively that Plaintiff failed to exhaust the grievance procedures prior to commencing
19 this action.
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21 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
22 Richard Creatura, objections to the Report and Recommendation, and the remaining record, does
23 hereby find and ORDER:

- 24 (1) The Court adopts the Report and Recommendation;
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26 (2) The motion to dismiss this action is **GRANTED**. This action is **DISMISSED**
WITHOUT PREJUDICE for failure to exhaust administrative remedies.

- 1 (3) The Clerk is directed to send copies of this Order to Plaintiff, and to the Hon. J.
2 Richard Creatura.

3 DATED this 9th day of June, 2009.
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8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE
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